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Attorneys for Plaintiff
VERN DE WOLF

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

VERN DE WOLF, an individual,) Case No.
)
Plaintiff,) COMPLAINT FOR DAMAGES
)
v.) JURY TRIAL DEMANDED
)
HEALTHCARE REVENUE RECOVERY)
GROUP, LLC, a Florida limited)
liability company,)
)
Defendant.)
)
)
)
)

I. INTRODUCTION

1. On November 21, 2013, Plaintiff VERN DE WOLF was involved in a work related accident. He went to the emergency room of a local hospital and was treated.

1 2. On or about May 19, 2015, he received a collection
2 letter from Defendant HEALTHCARE REVENUE RECOVERY GROUP, LLC
3 advising of his right to dispute the debt. On May 28, 2015, he
4 wrote back to HEALTHCARE REVENUE RECOVERY GROUP, LLC advising
5 that he does not owe the debt, that HEALTHCARE REVENUE RECOVERY
6 GROUP, LLC was prohibited from contacting him, and he gave
7 HEALTHCARE REVENUE RECOVERY GROUP, LLC information about the
8 responsible party.
9

10 3. Defendant HEALTHCARE REVENUE RECOVERY GROUP, LLC
11 ignored Plaintiff's letter and on June 26, 2015 again wrote to
12 Plaintiff demanding payment and failing to validate the debt.
13 Thereafter, Defendant continued to call Plaintiff on his cell
14 phone and continued to write to him. Defendant made repeated
15 telephone calls to Plaintiff's cellular telephone, in connection
16 with an attempt to collect a debt and without his consent.

17 4. Defendant used an automated dialing systems, or
18 artificial or pre-recorded voice to telephone Plaintiff's
19 cellular phones in violation of the Telephone Consumer
20 Protection Act, and the Rosenthal Fair Debt Collection Practices
21 Act.
22

23 5. Plaintiff suffered physical and emotional injury,
24 including severe and substantial emotional distress, and actual
25 damages including but not limited to, anxiety, emotional

1 distress, stress, frustration, loss of concentration, amongst
2 other injuries.

3 6. This is an action for damages brought by a consumer to
4 redress the Defendant's violations of California's Rosenthal
5 Fair Debt Collection Practices Act, Civil Code Section 1788 et
6 seq. (hereinafter, "state act"), and related common law claims,
7 which prohibit debt collectors from engaging in abusive,
8 deceptive and unfair practices in their collection of consumer
9 debts. In 2000, the California legislature incorporated most of
10 the Federal Fair Debt Collection Practices Act (15 U.S.C. §
11 1692, et seq.) into the California FDCPA. See Civil Code
12 §1788.17.
13

14 7. According to 15 U.S.C. § 1692:

15 There is abundant evidence of the use of abusive,
16 deceptive, and unfair debt collection practices
17 by many debt collectors. Abusive debt collection
18 practices contribute to the number of personal
19 bankruptcies, to marital instability, to the loss of
20 jobs, and to **invasions of individual privacy**.

21 II. JURISDICTION AND VENUE

22 8. Jurisdiction of this Court arises under 15 U.S.C. §
23 1692k(d), 28 U.S.C. § 1337, and supplemental jurisdiction exists
24 for the state law claims pursuant to 28 U.S.C. § 1367. Venue in
25 this District is proper in that Defendant transacts business
here and the conduct complained of occurred here.

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III. PARTIES

9. Plaintiff VERN DE WOLF (hereinafter "Plaintiff") is a natural person residing in Contra Costa County in the State of California.

10. On information and belief, Defendant HEALTHCARE REVENUE RECOVERY GROUP, LLC is a Florida limited liability company doing business in California (hereinafter "HRRG"). CHASE, in the ordinary course of business, regularly attempts to collect debts on its own behalf.

11. Defendant HRRG is a "debt collector" as defined by California Civil Code § 1788.2.

12. At all times mentioned herein, Defendant was acting within the course and scope of such agency or employment. The Defendant is liable to the Plaintiff for its conduct. Defendant approved, authorized and/or ratified the wrongful acts and omissions herein.

13. Any reference hereinafter to "Defendant" or "HRRG", without further qualification, is meant by Plaintiff to refer to such Defendant named above.

IV. FIRST CAUSE OF ACTION - ROSENTHAL FD CPA

14. Plaintiff repeats, re-alleges, and incorporates by reference all of the paragraphs above as though fully stated herein.

1 15. The foregoing acts and omissions by this Defendant
2 with respect to Plaintiff in its attempt to collect a consumer
3 debt from Plaintiff constitutes numerous and multiple unfair,
4 deceptive, misleading practices made unlawful pursuant to the
5 California Rosenthal Fair Debt Collection Practices Act,
6 including but not limited to Civil Code §§ 1788-1788.32,
7 including §1788.17 by violating 15 U.S.C. §§ 1692c(c), 1692d,
8 1692g(b), and 1692f.

9
10 16. Plaintiff is entitled to recover statutory damages,
11 actual damages, reasonable attorney's fees and costs.

12 WHEREFORE, Plaintiff prays for judgment against Defendant
13 as set forth below.

14 **V. SECOND CAUSE OF ACTION - INTRUSION UPON SECLUSION**

15 17. Plaintiff repeats, re-alleges, and incorporates by
16 reference all of the paragraphs above as though fully stated
17 herein.

18 18. The foregoing acts of Defendant as described herein
19 constitute an invasion of the Plaintiff's privacy and an
20 intrusion upon his right of seclusion.

21 19. Plaintiff has a common law right to, and a reasonable
22 expectation of privacy, his home and place of employment, and in
23 regard to his private affairs.

24 20. Defendant's abusive and improper collection practices
25 in the collection of this debt constituted a substantial

1 invasion upon Plaintiff's seclusion and privacy, and would be
2 highly offensive to a reasonable person.

3 21. Defendant intended to cause emotional distress and/or
4 engaged in reckless disregard of the probability of causing
5 Plaintiff's emotional distress.

6 22. As a proximate result of Defendant's conduct,
7 Plaintiff has suffered damages in an amount to be determined by
8 proof and a finder of fact at trial.

9 23. Defendant acted with oppression, fraud, and/or malice,
10 thereby entitling Plaintiff to punitive damages in an amount
11 according to proof and a finder of fact at trial.

12 WHEREFORE, Plaintiff prays for judgment against Defendant
13 as set forth below.

14
15 **VI. THIRD CAUSE OF ACTION - VIOLATIONS OF THE FAIR DEBT**
16 **COLLECTION PRACTICES ACT**
15 U.S.C. § 1692 et seq.

17 24. Plaintiff repeats, re-alleges and incorporates by
18 reference all other paragraphs.

19 25. The foregoing acts and omissions of Defendant
20 constitute numerous and multiple violations of the FDCPA,
21 including but not limited to §§ 1692c(c), 1692d, 1692g(b), and
22 1692f.

23 26. As a result of each and every Defendant's violations
24 of the FDCPA, Plaintiff is entitled to any actual damages
25 pursuant to 15 U.S.C. § 1692k(a)(1); statutory damages in an

1 amount up to \$1,000.00 pursuant to 15 U.S.C. §1692k(a)(2)(A);
2 and, reasonable attorney's fees and costs pursuant to 15 U.S.C.
3 §1692k(a)(3) from Defendant.

4 **VII. THIRD CAUSE OF ACTION - TCPA**

5 27. Plaintiff repeats, re-alleges and incorporates by
6 reference all other paragraphs.

7 28. At all times relevant to this complaint, the Plaintiff
8 was a "person" as defined by the TCPA 47 U.S.C. § 153(39).
9

10 29. At all times relevant to this complaint, the Defendant
11 has owned, operated, and or controlled "customer premises
12 equipment" as defined by the TCPA 47 U.S.C. § 153(16) that
13 originated, routed, and/or terminated telecommunications.

14 30. The Defendant at all times relevant to the complaint
15 herein engages in "telecommunications" defined by the TCPA
16 U.S.C. § 153(50).

17 31. The Defendant at all times relevant to the complaint
18 herein engages in "interstate" communications by the TCPA U.S.C.
19 § 153(28).

20 32. At all times relevant to this complaint, the Defendant
21 has used, controlled, and/or operated "wire communications" as
22 defined by the TCPA 47 U.S.C. § 153(59), that existed as
23 instrumentalities of interstate and intrastate commerce.

24 33. At all times relevant to this complaint, the Defendant
25 has used, controlled, and/or operated "automatic telephone

1 dialing systems" as defined by the TCPA 47 U.S.C. § 227(a)(1)
2 and 47 C.F.R. § 64.1200(f)(2).

3 34. Defendant violated the TCPA, 47 U.S.C. § 227(b)(1)(A),
4 by using an automatic telephone dialing system to telephone
5 Plaintiff's cellular phone in an attempt to collect an alleged
6 debt.

7 35. Defendant frequently made calls to Plaintiff's cell
8 phone using an automatic telephone dialing system (including an
9 automated dialing machine, dialer and auto-dialer) and/or an
10 artificial or prerecorded voice.

11 36. Defendant violated the Telephone Consumer Protection
12 Act ("TCPA") 47 U.S.C. § 227(b)(1)(A), by using an automatic
13 telephone dialing system to telephone a cellular phone, without
14 Plaintiff's consent.

15 37. Defendant's violations were willful and knowing.

16 38. As a result of these violations of the TCPA, Defendant
17 is liable to Plaintiff for statutory damages, including treble
18 damages.

19 39. Defendant engaged in willful and knowing violations of
20 the Telephone Consumer Protection Act ("TCPA") 47 U.S.C. §
21 227(b)(1)(A).

22 WHEREFORE, Plaintiff prays for judgment against Defendant
23 as set forth below.
24
25

VIII. FOURTH CAUSE OF ACTION - NEGLIGENCE

40. Plaintiff repeats, re-alleges, and incorporates by reference all of the paragraphs above as though fully stated therein.

41. Defendant's outrageous, abusive and intrusive acts as described herein constituted negligent infliction of emotional distress.

42. Plaintiff suffered (1) serious emotional distress, (2) actually and proximately caused by (3) wrongful conduct (4) by a defendant who should have foreseen that the conduct would cause such distress.

43. Defendant's conduct as described herein was wrongful conduct in that the Defendant conducted its business in an abusive, oppressive, and harassing manner.

44. Defendant's actions and omissions as described herein constitute negligence in that Defendant owed Plaintiff a duty of reasonable care in the collection of the alleged debt, and use of the telephone in an attempt to collect such debts, said duties were breached, and said breach was the proximate cause of damages suffered by Plaintiff.

45. Defendant owed a duty to refrain from outrageous and unlawful calls in connection with its attempt to collect a debt.

46. Defendant's actions and omissions demonstrate a conscious disregard of the rights or safety of others, and

1 constitute despicable conduct that subjected Plaintiff to cruel
2 and unjust hardship in conscious disregards of his rights.

3 47. Plaintiff suffered damages due to Defendant's actions
4 in an amount to be determined at trial.

5 48. Plaintiff is entitled to punitive damages for the
6 actions and omissions of the Defendant as described herein.

7 WHEREFORE, Plaintiff prays for judgment against Defendant
8 as set forth below.

9
10 **IX. FIFTH CAUSE OF ACTION - NEGLIGENT TRAINING AND SUPERVISION**

11 49. Plaintiff incorporates by reference the above
12 paragraphs as though fully stated herein below.

13 50. Defendant negligently trained and supervised its
14 employees and agents as to the performance of their job duties
15 and as a result of such negligent instruction and supervision,
16 the employees/agents while carrying out their job duties caused
17 injury and damage to Plaintiff.

18 51. As a direct and proximate result of Defendant's
19 unlawful conduct, Plaintiff has suffered damages in an amount to
20 be determined at trial.

21 52. Defendant acted with oppression, and/or malice,
22 thereby entitled Plaintiff to punitive damages in an amount to
23 be determined at trial. Defendant acted in a despicable manner
24 and acted with a conscious disregard to the rights of Plaintiff.
25

1 WHEREFORE, Plaintiff respectfully prays that judgment be
2 entered against the Defendant for the following:

- 3 A. Statutory and actual damages pursuant to
4 California Civil Code § 1788 et seq.;
- 5 B. Costs and reasonable attorney's fees pursuant to
6 Civil Code § 1788 et seq.;
- 7 C. Actual and punitive damages;
- 8 D. Award statutory damages in the amount of
9 \$500.00 for each violation of the TCPA against
10 All of the Defendants, and/or treble damages for
11 each willful or knowing violation of the TCPA
12 pursuant to 47 U.S.C. §227(b)(3).
- 13 E. For such other and further relief as may be
14 just and proper.
15

16 DATED: September 14, 2015

Respectfully submitted,

17 DELTA LAW GROUP

18
19 BY: 

20 JIM G. PRICE
21 Attorneys for Plaintiff
22 VERN DE WOLF

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DEMAND FOR JURY TRIAL

Please take notice that Plaintiff demands trial by jury in
this action.

DATED: September 14, 2015 DELTA LAW GROUP

BY: 

JIM G. PRICE
Attorneys for Plaintiff
VERN DE WOLF